

and mileage, pursuant to such certificates, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That hereafter, until otherwise enacted by law, members of the Legislature shall receive as compensation for their service and attendance upon any regular or called session of the Legislature \$5 per day for the first sixty days of each session, and after that the sum of \$2 per day for the remainder of the session.

Sec. 2. That hereafter, until otherwise provided by law, members of the Legislature shall receive as mileage for attendance upon any regular or called session of the Legislature \$5 for every twenty-five miles in going to and returning from the seat of government, to be computed by the nearest and most direct route of travel by land, regardless of railways or water routes, and the Comptroller of Public Accounts shall prepare and preserve a table of distances to each county seat now or hereafter to be established, and by such table the mileage of each member of the Legislature shall be computed and paid, the calculation to be based in each instance upon the distance to the county seat of the county in which such member resides; provided, that no member shall be entitled to mileage for any extra session of the Legislature that may be called within one day after the adjournment of any regular or called session.

Sec. 3. That all certificates for per diem and mileage which have been heretofore issued to members of the Thirtieth Legislature by its officers, and all warrants issued by the Comptroller of Public Accounts for such per diem and mileage, pursuant to such certificates, are hereby validated.

Sec. 4. The fact that there is now in force no law fixing the amount of the per diem and mileage of members of the Legislature, creates an emergency and an imperative public necessity requiring that the constitutional rule providing that bills be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted,

And find the same correctly enrolled, and have this day, at 9:30 a. m., presented the same to the Governor for his approval.

MASTERSON, Chairman.

TWENTY-NINTH DAY.

Senate Chamber,
Austin, Texas,

Friday, February 15, 1907.

Senate met pursuant to adjournment.
Lieutenant Governor A. B. Davidson
in the chair.

Roll call, quorum present, the following answering to their names:

Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harbison.	Terrell.
Harper.	Veale.
Holsey.	Willacy.
Hudspeth.	Watson.
Kellie.	

Absent.

Mayfield.

Absent—Excused.

Alexander.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Barrett, the same was dispensed with.

EXCUSED.

On motion of Senator Barrett, Senator Harbison was excused from attendance upon the Senate for the balance of today on account of business.

(See Appendix for committee reports, petitions and memorials.)

(Senator Willacy in the chair.)

BILLS AND RESOLUTIONS.

By Senator Hudspeth:

Senate bill No. 185, A bill to be entitled "An Act to amend Article 1081, Code of Criminal Procedure, prescribing the compensation of district attorneys to be paid by the State, by adding thereto Article 1081a, prescribing the compensation of district attorneys in districts composed of five or more counties."

Read first time, and referred to Committee on Judicial Districts.

By Senator Senter:

Senate bill No. 186, A bill to be entitled "An Act to amend Articles 2954, 2956 and 2958, Title LV, Chapter 1, of

the Revised Civil Statutes of the State of Texas, by adding thereto Articles 2954a, 2956a, 2956b, 2958a and 2958b, relating to the issuance, execution of, return of and recording of marriage license, and prescribing penalties for the violation of this act."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Terrell:

Senate bill No. 187, A bill to be entitled "An Act to amend Article 2264, Revised Statutes of 1895 of the State of Texas, relating to the personal attendance of witnesses; providing for the attendance of witnesses residing out of the county in certain cases, also for subpoenas duces tecum, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Grinnan:

Senate bill No. 188, A bill to be entitled "An Act to regulate primary elections, and to repeal all laws in conflict herewith."

Read first time, and referred to Committee on Privileges and Elections.

By Senator Senter:

Senate Joint Resolution No. 16, Proposing an amendment to Section 1, Article 3, of the Constitution of the State of Texas, relating to the legislative power."

Read first time, and referred to Committee on Constitutional Amendments.

Morning call concluded.

SENATE BILL NO. 15—RECOMMITTED.

Senator Looney moved that the special order of business (Senate bill No. 65) be suspended, and the Senate take up, out of its order, Senate bill No. 15, for the purpose of making it a special order.

The Chair laid before the Senate,

Senate bill No. 15, A bill to be entitled "An Act on the subject of private corporations, prescribing the terms and conditions on which they may be chartered, the contents of the charter, their duties and the duties of their directors, officers and agents; and certain limitations and restrictions on their powers and the powers of their officers, directors and agents, prescribing terms and conditions under which their capital stock may be increased and decreased, and providing for their dissolution, and generally providing rules and regula-

tions for their government and the conduct of their business; also prescribing the terms and conditions under which foreign corporations may be granted permits to do business in Texas, and the circumstances under which the permit is forfeited; also prescribing the duties of such corporations, their officers, directors and agents, and certain limitations and restrictions on their powers—providing suitable forfeitures, penalties, fines and imprisonment for the violation of the provisions of this act, and repealing certain sections and articles of Title XXI of the Revised Statutes of this State."

Senator Looney moved that the bill be made a special order for Monday morning, February 25, after the conclusion of the morning call.

Senator Murray moved, as a substitute, that the bill be recommitted to Judiciary Committee No. 2.

(Lieutenant Governor Davidson in the chair.)

Pending discussion on the motions, Senator Senter moved that the bill be recommitted to Judiciary Committee No. 1, which motion was accepted by Senator Murray.

Senator Stone made the point of order that the motion to recommit a bill to a different committee could not be made, and

The Chair sustained same.

Senator Looney then moved to table the motion to recommit, which motion was lost by the following vote:

Yeas—6.

Barrett.	Looney.
Chambers.	Skinner.
Greer.	Smith.

Nays—21.

Brachfield.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Griggs.	Stokes.
Grinnan.	Stone.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.
Masterson.	

Absent.

Cunningham.	Mayfield.
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Absent—Excused.

Alexander.	Harbison.
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Question then recurred on the motion by Senator Murray to recommit the bill

back to Judiciary Committee No. 2, and the same was adopted by the following vote:

Yeas—20.

Brachfield.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Griggs.	Stokes.
Grinnan.	Stone.
Holsey.	Terrell.
Hudspeth.	Veale.
Kellie.	Watson.
Masterson.	Willacy.

Nays—8.

Barrett.	Harper.
Chambers.	Looney.
Cunningham.	Skinner.
Greer.	Smith.

Absent.

Mayfield.

Absent—Excused.

Alexander. Harbison.

The bill was recommitted to Judiciary Committee No. 2.

BILLS SIGNED BY CHAIR.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

House Concurrent Resolution No. 14, Requesting the Governor to return House bill No. 27 for correction.

House bill No. 106, creating a special road law for Shelby county, Texas.

Senate bill No. 144, "An Act providing for the method and procedure of serving process and the taking of testimony of witnesses whether residing or being within or without the State of Texas, and the taking and procuring of documentary evidence whether within or without said State, to be used before any investigating committee, before which an investigation is now pending, or before any investigating committee before which an investigation may hereafter be pending where such investigation has heretofore been or may hereafter be ordered by the Legislature of this State, or either branch of such Legislature for the imposition of fines upon or imprisonment of any witness for contempt, and authorizing such investigating committee to appoint two of their members as a special commission to take testimony, either within or without this State, with an emergency clause."

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 15, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Senate bill No. 16, A bill to be entitled "An Act making it an offense punishable by fine and removal from office for any executive, legislative, ministerial or judicial officer of this State, county, city or other municipal subdivision of the State, to appoint or vote for the appointment of any person related to him by affinity or consanguinity within the third degree, to any clerkship, office, position, employment or duty in any department of the government of which such executive, legislative, ministerial or judicial officer may be a member; or any person so related to any other such officer, in consideration of the appointment or vote for the appointment by such other officer, of any person so related to the officer making or voting for such appointment; prohibiting the payment of any such ineligible person out of any public funds, and providing for suitable punishment and removal from office for the violation of this act, and fixing venue, and providing an emergency," with amendments.

House Concurrent Resolution No. 12, Requesting our Representatives and Senators in the Congress of the United States to have investigated the Salton Sea, in reference to climatic change in Arizona, New Mexico and Western Texas, and the advisability of retaining said sea in place of destroying it.

House bill No. 299, A bill to be entitled "An Act to require corporations and their officers to permit the Attorney General or his assistants or representatives to examine all the books, records, documents, etc., of such corporation; to take copies of same in certain cases, making failure to comply with this act a misdemeanor and prescribing punishment therefor, and providing for forfeiture of charter or cancellation of permits of corporations for failure to comply therewith, fixing venue and declaring an emergency."

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Senator Willacy) had read and referred, after their captions had been read, the following House bills:

House bill No. 299, read and referred to Judiciary Committee No. 2.

House Concurrent Resolution No. 12, read and referred to Committee on Federal Relations.

SENATE BILL NO. 157.

On motion of Senator Skinner, the pending order of business (Senate bill No. 65) was suspended, and the Senate took up, out of its order, Senate bill No. 157.

The committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading,

Senate bill No. 157, A bill to be entitled "An Act to amend Section 12 and Section 21 of Chapter 128 of the Acts of the Twenty-sixth Legislature, entitled 'An Act providing the mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in certain counties, or in any subdivision of the said counties, so that when an election under said law shall be in favor of the stock law, that the certificate thereto shall be prima facie evidence of a compliance with the law to put same in force'; also to provide for the punishment of any one violating the provisions of said act, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Skinner, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Mayfield.

Absent—Excused.

Alexander.

Harbison.

The bill was read third time, and passed by the following vote:

Yeas—27.

Barrett.	Masterson.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Senter.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Terrell.
Harper.	Veale.
Holsey.	Watson.
Hudspeth.	Willacy.
Looney.	

Absent.

Kellie.

Mayfield.

Absent—Excused.

Alexander.

Harbison.

Senator Skinner moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 176.

Senator Griggs moved that the pending order of business (Senate bill No. 65) be suspended, and the Senate take up, out of their order, Senate bill No. 8 and Senate Joint Resolution No. 5, and

Senator Grinnan moved, as a substitute, that the pending business (Senate bill No. 65) be suspended, and the Senate take up, out of its order, House bill No. 176.

Senator Harper moved to table the original motion and the substitute, which motion was lost by the following vote:

Yeas—11.

Barrett.	Looney.
Brachfield.	Paulus.
Chambers.	Skinner.
Green.	Smith.
Greer.	Willacy.
Harper.	

Nays—14.

Cunningham.	Griggs.
Faust.	Grinnan.

Holsey.	Stokes.
Hudspeth.	Stone.
Masterson.	Terrell.
Murray.	Veale.
Senter.	Watson.

Absent.

Glasscock.	Mayfield.
Kellie.	Meachum.

Absent—Excused.

Alexander.	Harbison.
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Question then recurred on the substitute motion by Senator Grinnan, and Senator Griggs moved to table the substitute motion, which motion to table was lost by the following vote:

Yeas—4.

Chambers.	Griggs.
Green.	Watson.

Nays—21.

Barrett.	Masterson.
Brachfield.	Murray.
Cunningham.	Paulus.
Faust.	Senter.
Greer.	Skinner.
Grinnan.	Smith.
Harper.	Stokes.
Holsey.	Stone.
Hudspeth.	Veale.
Kellie.	Willacy.
Looney.	

Absent.

Glasscock.	Meachum.
Mayfield.	Terrell.

Absent—Excused.

Alexander.	Harbison.
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The substitute motion was adopted.

HOUSE BILL NO. 176.

On motion of Senator Grinnan, the committee report, which recommended that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading,

House bill No. 176, A bill to be entitled "An Act incorporating the Stephenville Independent School District, in Erath county, Texas, for free school purposes only; defining its boundaries, and providing for a board of trustees; divesting the city of Stephenville of the control of its public schools and title to school property, and vesting the same in said Stephenville Independent School District and its

board of trustees; prescribing the rights, power, privileges and duties of said Stephenville Independent School District and its board of trustees, and declaring an emergency."

Bill read second time, and passed to a third reading.

On motion of Senator Grinnan, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Barrett.	Kellie.
Brachfield.	Looney.
Chambers.	Masterson.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harper.	Veale.
Holsey.	Watson.
Hudspeth.	Willacy.

Absent.

Mayfield.	Terrell.
Meachum.	

Absent—Excused.

Alexander.	Harbison.
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The bill was read third time, and passed by the following vote:

Yeas—26.

Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Murray.
Cunningham.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Faust.	Meachum.
Mayfield.	

Absent—Excused.

Alexander.	Harbison.
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Senator Grinnan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

EXCUSED.

On motion of Senator Hudspeth, Senator Meachum was excused from attendance upon the Senate for balance of to-day on account of sickness.

SENATE JOINT RESOLUTION NO. 5
—REFUSE TO TAKE UP.

Senator Griggs moved that the special order of business (Senate bill No. 65) be suspended, and the Senate take up, out of its order, Senate Joint Resolution No. 5. The motion was lost by the following vote, a two-thirds vote being required:

Yeas—14.

Chambers.	Masterson.
Glasscock.	Skinner.
Green.	Stokes.
Griggs.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Nays—12.

Barrett.	Looney.
Brachfield.	Murray.
Cunningham.	Paulus.
Greer.	Senter.
Grinnan.	Smith.
Harper.	Stone.

Absent.

Faust.	Mayfield.
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Absent—Excused.

Alexander.	Meachum.
Harbison.	

SENATE BILL NO. 65.

The Chair laid before the Senate, on second reading,

Senate bill No. 65, A bill to be entitled "An Act to create a State Text-Book Board and to procure for use in the public free schools of the State of Texas a series of uniform text-books, defining the duties of certain officers therein named, making an appropriation therefor, defining certain misdemeanors, providing for a bond for the faithful performance of the contract, and to cover liquidated damages for fraud or collusion and authorizing the Attorney General to bring suit therefor, and pro-

viding penalties for violations of the provisions of this act."

Senator Barrett offered the following amendment:

Amend Senate bill No. 65, Section 1, page 1, line 15, by inserting after the word "Texas," the following: "The State Superintendent of Public Instruction and President of the State University."

Senator Smith offered the following substitute for the amendment:

Amend Section 1, page 1, line 15, by inserting after the word "Texas," the following: "The State Superintendent of Public Instruction, and if these two members of the Board can not agree upon five teachers to be selected, then they shall select some well qualified teacher to act with them in making selections when such Governor and State Superintendent do not agree."

SMITH,
BARRETT,
BRACHFIELD,
GRINNAN.

Senator Smith moved the previous question on the amendment and the substitute, which, being duly seconded, was ordered.

The substitute amendment was adopted by the following vote:

Yeas—16.

Barrett.	Kellie.
Brachfield.	Looney.
Cunningham.	Masterson.
Glasscock.	Mayfield.
Greer.	Paulus.
Grinnan.	Smith.
Holsey.	Stokes.
Hudspeth.	Veale.

Nays—12.

Chambers.	Murray.
Faust.	Skinner.
Green.	Stone.
Griggs.	Terrell.
Harper.	Watson.
Meachum.	Willacy.

Absent.

Senter.

Absent—Excused.

Alexander.	Harbison.
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The amendment, as substituted, was then adopted by the following vote:

Yeas—16.

Barrett.	Kellie.
Cunningham.	Looney.
Glasscock.	Masterson.
Greer.	Mayfield.
Grinnan.	Paulus.
Harper.	Smith.
Holsey.	Stokes.
Hudspeth.	Veale.

Nays—12.

Brachfield.	Murray.
Chambers.	Skinner.
Faust.	Stone.
Green.	Terrell.
Griggs.	Watson.
Meachum.	Willacy.

Absent.

Senter.

Absent—Excused.

Alexander. Harbison.

Senator Cunningham offered the following amendment:

Amend Section 1, Senate bill No. 65, by adding after the word "hygiene," in line 31, "civil government."

Pending.

Senator Stone moved that the Senate adjourn until 10 o'clock Monday morning, and

Senator Smith moved that the Senate recess until 3 o'clock today.

The motion to adjourn until Monday morning at 10 o'clock was adopted by the following vote:

Yeas—21.

Barrett.	Masterson.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Stokes.
Glasscock.	Stone.
Greer.	Terrell.
Griggs.	Veale.
Grinnan.	Watson.
Hudspeth.	Willacy.
Kellie.	

Nays—7.

Green.	Mayfield.
Harper.	Skinner.
Holsey.	Smith.
Looney.	

Absent.

Senter.

Absent—Excused.

Alexander. Harbison.

APPENDIX.

PETITIONS.

By Senator Hudspeth:

Ozona, Texas, January 28, 1907.

To the Honorable Thirtieth Legislature,
Austin, Texas:

Gentlemen: We, the undersigned live stock raisers residing in Crockett county, Texas, respectfully ask that you pass a law whereby the State of Texas will pay a bounty on the destruction of wolves, coyotes and panthers and such other wild animals as are destructive to domestic animals.

We submit to you that the private citizens of this county have, out of their private funds, paid out many thousands of dollars in this direction, and that the commissioners court of Crockett county, in addition thereto, has paid out for the same purpose over \$5000, and yet today these wild animals are still very plentiful in this county. This shows you that no one county can overcome this pest; that a general law must be passed before these migratory beasts can be wiped out. It certainly is an undeniable fact that the real worth of the State land, as well as private land, is its intrinsic value which, of course, is based on the revenue it yearly yields; it necessarily follows that an investment by the State that will raise the intrinsic value of both State and private land will quickly be repaid by way of advanced purchase price of State land and increased taxes on private lands. Just what kind of a law to pass we would, of course, leave to your wise discretion, but we hope it may be backed up by a liberal appropriation and not loaded down with a very light pittance.

Our State Senator, the Hon. C. B. Hudspeth, has given this matter much thought and he will, we feel sure, be glad at all times to furnish complete and reliable data on this subject.

Very respectfully submitted,

Numerously signed.

By Senator Stone:

Whereas, It is practically certain that the Sixth Court of Civil Appeals will be created by the Legislature now in session, and same will be located in some city in Texas; and,

Whereas, The location of said court is of much importance and that its location in Waco means much for the city and will be of intense value as well as a great accommodation to the people of Central Texas; and,

Whereas, The citizens of Waco are very anxious for said court, if created, to be located in this city; therefore, be it

Resolved by the Waco Business Men's Club in regular meeting assembled, That we earnestly urge and request our Representatives and Senator to do all in their power to the end that said court be located in Waco, and that we further expect of them that if the said court is created, that they see to it that it is so located.

Resolved, second, That a copy of these resolutions be at once sent to our county representatives at Austin, that they may know and appreciate our earnestness and desires that the said court be located in this city.

Respectfully submitted,

ALLAN D. SANFORD,
ABE CROSS.

Resolution adopted by a rising and unanimous vote of the Waco Business Men's Club at one of the largest meetings held in the history of the club.

W. H. HOFFMANN, President.

HUNTER WOODS, Secretary.

Official.

By Senator Grinnan:

Waco, Texas, February 15, 1907.

To the Texas Senate of the Thirtieth Legislature in Regular Session:

Gentlemen: We ask that your body enact the bill recently approved by the House Committee on Game and Birds. It is a comprehensive document, giving the State a warden system, with a license on gunners to support the system, thereby entailing no expense on the treasury. It is in all respects masterful and complete and should go through the Legislature exactly as it is written, without amendment. It creates no new office, but merely enlarges the duties of the Fish and Oyster Commissioner, making him the Game, Fish and Oyster Commissioner, thereby relieving the bill of the criticism that it authorized a new office and a greater tax on the people. The idea of making the Fish and Oyster Commissioner the Game Commissioner originated with Hon. W. O. Murray, a member of your body. We hailed it with delight, because our enemies were insisting that we were office-seekers and were lined up with our vest buttons pressed against the pie counter.

Not only does Senator Murray have the credit of making the suggestion which we acted upon, but some of the most valuable features of the bill, creat-

ing the Game, Fish and Oyster Commissioner, were his. The warden bill which the House committee has recommended is the composite production of students who have spent their lives pondering upon methods for the protection of the wild birds and wild animals, which, under the exhaustive processes in progress at the hands of lawless gunners and trappers, are being swept from the face of the earth and will utterly disappear unless protected along the lines we propose. It has been ascertained all over the world that game and bird laws are the hardest to enforce, and that a special provision must be made through which officers especially appointed for their protection shall be charged with the duty of enforcing the laws made for their protection.

Many of us engaged in the duty of presenting the case of the birds and the animals of the forests, fields and prairies, to the attention of the Legislature are considerably past middle life, and have already accomplished the three score, with the last mile stone in sight, as appointed by the scriptures. We have studied the case from the literature placed at our disposal by the Bureau of Biological Survey of the United States Government, and through the biologists of the universities; we have also studied the case by making the personal acquaintance of the wild birds and wild animals in their haunts, and we feel that we are sufficiently advised to give unselfish advice, and advice that is valuable and should be heeded. Our measures have been endorsed by the nut growers, the orchardists, the corn growers and nearly all the divisions of the Texas Farmers' Congress. We have received letters from more than 10,000 citizens, approving of the House bill and asking that it be enacted by the Legislature and become a law. We ask that you support it without amendment and let it go on the statute book just as it is written.

We further ask that you shall agree with the House to re-enact the law passed by the Legislature in 1903, known as the model Texas bird and game law. We have been told that one judge in Texas held that there was error in the caption. That error has been corrected by Hon. H. B. Terrell, Representative from McLennan county, and it is now agreed by the best legal talent in the State that the model bird and game law will hold good in every court in the State.

This is probably the last time we will come before you, and we desire you to

know that this paper is the thought of the farmers, the sportsmen, the fruit growers, the park keepers, the sextons and the ladies of the State of Texas. We have watched the wild birds diminishing every year in volume. We have seen them slaughtered by every conceivable agency, the market hunters taking the lead in the processes of absolute annihilation. We believe that the Senate of Texas realizes the importance of the matter, and we sincerely and religiously hope that our plea will meet with acceptance and that we will be granted exactly what we ask for in all its terms.

Yours very truly,

Signed—H. P. Attwater, T. J. Carr, Frank P. Holland, J. B. Sawtell, Oscar C. Guessaz, Thos. H. Montgomery, J. H. Connell, C. Taylor Cade, Hugh Jackson, Alfred Abeel, H. M. Minier, M. B. Davis and others, joint committee.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, February 14, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 159, A bill to be entitled "An Act to create a department of agriculture, and defining its duties and authority, and providing an appropriation therefor, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

GLASSCOCK, Chairman.

(Floor Report.)

Committee Room,
Austin, Texas, February 15, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

House Concurrent Resolution No. 13, Granting leave of absence to Hon. W. B. Hopkins, judge of the Twenty-eighth Judicial District.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

Faust, Chairman; Smith, Terrell, Green, Greer, Brachfield, Murray, Senter, Holsey.

(Floor Report.)

Committee Room,
Austin, Texas, February 15, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs to whom was referred

House bill No. 125, A bill to be entitled "An Act to amend Article 5047, Chapter 1, Title CIV, of the Revised Civil Statutes of 1895, relative to ad valorem taxes for free school purposes, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

Barrett, Chairman; Green, Grinnan, Kellie, Senter, Glasscock, Harper, Paulus.

(Floor Report.)

Committee Room,
Austin, Texas, February 15, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Stock and Stock Raising, to whom was referred

Senate bill No. 184, A bill to be entitled "An Act to amend Section 4 of Chapter 86 of the Acts of the Twenty-eighth Legislature, relating to wolves and other wild animals, and providing for the destruction thereof, placing Bosque county under the provisions of this law, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

Hudspeth, Chairman; Veale, Murray, Green, Grinnan, Willacy.

Committee Room,
Austin, Texas, February 14, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 140, A bill to be entitled "An Act to establish and attach to the Deaf and Dumb Institution at Austin, Texas, a branch thereof for the custodial care, maintenance and education of defective persons, which shall include the feeble-minded, idiotic, epileptic and paralytic persons in this State; defining who are feeble-minded persons, with an emergency,"

Have had the same under consideration, and I am instructed to report it

back to the Senate with the recommendation that it do not pass, but that the following substitute do pass in lieu thereof, and that the original bill be not printed, but substitute bill be printed in lieu thereof.

FAUST, Chairman.

C. S. for S. B. No. 140. By Committee.

A BILL

To Be Entitled

An Act to establish an institute for the custodial care and education of the feeble-minded.

Section 1. There shall be established and maintained in this State, at or near the city of Austin, county of Travis, Texas, an institution to be known as "The Institute for the Custodial Care and Education for the Feeble-minded." The general charge and management of said institution shall be entrusted to a board of trustees, consisting of five members, who shall be appointed by the Governor of this State for a term of two years, or until their successors shall have been appointed and qualified; provided further, that any member of said board may be removed from said office by the Governor at any time for cause to be stated in the order for removal. Any vacancy in said board, by resignation or otherwise, shall be filled immediately by appointment by the Governor, and a trustee or a director appointed to fill a vacancy shall hold said office only for the unexpired portion of the term of his predecessor. Every trustee or director, before entering upon duty as such, shall take and subscribe an oath to faithfully and impartially discharge the duties of said office. They shall hold monthly meetings at the institution, and shall receive \$5 per day for their services, provided the meeting is but for one day in each month, this amount to be paid out of appropriation made for the current expenses of the institution.

Sec. 2. The Board of Trustees shall appoint a Superintendent for a term of two years, who shall be a physician possessing a good literary and medical education, and of good moral character, who shall have at least one year's actual experience in like institutions, thus familiarizing himself with the most approved methods of conducting an institution of this character by actual observation and study before assuming the duties of the office. It shall be the

duty of the Superintendent to superintend, under direction of the Board of Trustees, the general affairs of the institution and manage its finances. He shall give bond in the sum of \$10,000, made payable to the Governor of the State, and his successors in office, and approved by the State Treasurer, conditioned for the faithful performance of his duty, to be prescribed by the by-laws, rules and regulations hereinafter provided for. He shall be a married man, and receive a salary of....., with suitable quarters for himself and family provided at the institution.

The mental, moral, physical and hygienic treatment, training and culture shall be under the exclusive direction of the Superintendent, who shall be an expert in these subjects.

Sec. 3. The Superintendent shall appoint, with the consent of the Trustees, or a majority thereof, a matron, teachers and other persons necessary for the proper management of the institution, and shall have authority, with like consent, to discharge them at will.

At the first meeting of the Board of Trustees they shall elect one of their number as President of said Board, and another as Secretary thereof.

The Secretary shall keep a full and accurate record of all proceedings of said board in a book or books used for such purpose only.

The Trustees, together with the Superintendent, shall make and adopt such by-laws, rules and regulations as may be necessary for the successful management of the institution, clearly defining the principal duties of each officer and employe of the institution.

It shall be the duty of the Finance Committee of the House, by and with the advice of the Superintendent, to fix all salaries of officers and employes of the institution.

The purpose of this institution shall be to have custody of and care for, support, train and instruct the feeble-minded, the term "feeble-minded" to include "idiots," "imbeciles" and "blind-deaf" or such persons as shall apply under this clause.

Sec. 4. The institution is to be divided into two distinct departments; one industrial, the other custodial. The industrial department is to be a department for culture, in which shall be placed such feeble-minded children who are actually, in a practical sense, capable of improvement, in which the rudiments of a common school education

are to be taught in connection with, and subordinate to, culture in manual and industrial occupations. The objective point to be attained in this department is future usefulness, self-care and self-support. The custodial department shall be an asylum for low grade, feeble-minded, idiotic children and adults. In this department special attention shall be paid to mental, physical and hygienic treatment.

Sec. 5. There shall be received into the Texas Institute for the Custodial Care and Education of the Feeble-minded, idiotic children under the age of sixteen years, whose admission may be applied for as follows:

First. By the father or mother, if the father and mother are living together.

Second. If the father and mother are not living together, then by the one having custody of the child.

Third. By the guardian duly appointed.

Fourth. By the superintendent of any county poor farm, or the matron of any county orphanage.

Fifth. By the person having the management of any other institution or asylum where children are cared for.

Under items three, four and five, consent of the parents, if living, is not required. All subject to such rules and regulations as the Board of Trustees may adopt. It is further provided that it shall be the duty of the Trustees of said institution to set apart a portion thereof, to be known as the "custodial department for adult females," and that such institution shall receive into such department such persons as can be properly and conveniently cared for therein, and as are committed thereto in accordance with the provisions of this act. Any person may file in the office of the clerk of the county court of any county his verified petition, stating that some woman (naming her) of said county is not being, or can not be, properly maintained or cared for by those who have her in charge; that such woman is a feeble-minded woman; that she is over sixteen and under fifty years of age; that she is not insane; that she is idiotic or feeble-minded; that she is in good bodily health; that she is not afflicted with any contagious disease; that she is a bona fide inhabitant of the State of Texas and county for one year where the application is filed, together with such other statements as may be necessary to show that she is a proper person to be admitted to said depart-

ment of said institution, and that her admission thereto would be in conformity to the rules and regulations established by the Board of Trustees of said institution for the admission and care of such persons. That upon the filing of such petition the clerk of said court shall issue a summons to such person named in said petition, requiring her to appear before said court, or the judge thereof, at some time to be fixed by said clerk, not more than ten days thereafter, and shall bring the same matter at once to the attention of the judge of said court. That the judge of said court shall, as soon as convenient, pass upon such petition, first having ascertained that said woman has been served with notice of the filing thereof, and that she is present in court, or that, having had reasonable notice thereof, she is unable to attend the hearing of said matter; and that it shall be the duty of said court to examine such witnesses, among whom shall be at least one physician, as may be necessary to prove the truth or falsity of said petition. And if the court finds that each and all of the allegations contained in said petition are true, and that said woman is a proper person to be cared for in said department of said institution, and that she can be cared for therein, it shall be its duty to make an order committing the care and custody of said woman to said institution. And it shall thereupon be the duty of the clerk of said court to make a certified copy of said petition, and of the finding and judgment of said court, and transmit the same to the Superintendent of the said institution at Austin, Texas. When the finding of the court is in favor of said petition, the costs of said proceedings shall be allowed and paid by the board of county commissioners of said county. And it shall be the duty of the clerk to include them in the certificate mentioned in Section 2, but if the finding of the court shall be against such petition the cost of such proceeding shall be adjudged against the petitioner.

Second. Upon receiving such order of commitment for the admission of a feeble-minded or idiotic woman, it shall be the duty of the Superintendent of said school, at once, if there shall be room for any more inmates, or as soon thereafter as there shall be room in said institution for such person, to notify the clerk of said court that said person will be received when brought to said institution. That with said notice said Superintendent shall send a list of such clothing as shall be prescribed by the

Board of Trustees of said institution, and a blank form of a certificate of health and freedom of exposure to contagious disease at such time. And thereupon such clerk shall procure such clothing as is required by said institution, and issue a warrant to the sheriff of said county and a woman attendant to convey said person, with such clothing, to said institution. And the said clerk shall issue a certificate to the auditor of said county, showing the cost of said clothing, not to exceed \$20, and the cost of conveying such person to such institution, the amount of which certificate shall be allowed and paid by the board of commissioners of said county out of such funds as may be available therefor, in the same manner that expenses for clothing and transferring insane people are now paid.

Third. Upon receiving the order to convey such feeble-minded woman to such institution, the sheriff of said county shall procure some suitable woman to convey said idiotic or feeble-minded woman to said institution, and if, on account of the character of such idiotic or feeble-minded woman, it is necessary to give assistance to said woman in the conveying of such idiotic or feeble-minded woman to said institution, it shall be proper for such sheriff to procure such assistance, and certify the same to the clerk as a part of the expense of so doing, and no bill for the expense of such conveyance shall be allowed by the commissioners of any county unless it be accompanied by a certificate of the Superintendent of said institution, showing that such person has been duly conveyed to the institution by, or accompanied by, a woman attendant.

Fourth. The form of application for admission into the institution shall be such as the board of trustees may prescribe, and each application shall be accompanied by answers under oath to such interrogatories as the Trustees shall by rule require to be propounded.

Fifth. Any persons who wish to enter a child into said institution for treatment, training, culture or improvement, and pay all the expenses and furnish attendant, may do so under agreement, rules and regulations prescribed by the Superintendent and approved by the Board of Trustees. Under this section adults may be admitted under rules adopted by the Trustees, if their entire support and maintenance is provided for by some friend or other person.

Sixth. In case of admission on ap-

plication of parent and guardian without special agreement, such parent, if able, and such guardian, if person has sufficient estate, shall pay the sum of \$150 per year in quarterly payments, in advance, and furnish all necessary clothing, or such less amount as the Board of Trustees may order such party to pay, after making the proper investigation of the financial standing of such parent or ward.

Seventh. The expenses of the transmission of children to and from the asylum, supported wholly or in part by the State, shall be paid by the county commissioners of the county from whence sent; in other case, at the expense of the applicant.

Immediately after the passage of this act, the Governor shall appoint three trustees under ten thousand dollars (\$10,000) bond each, payable to the Governor and his successors in office, whose duty it shall be to select suitable location, purchase necessary land for the institution, and cause to be prepared plans and specifications for the erection and completion of such buildings as may be deemed necessary, after carefully looking into the arrangements and equipment of other institutions of similar character. Plans and specifications to be prepared by a competent architect appointed by the Governor.

After completion of the buildings, the full number of five trustees shall be appointed as heretofore provided.

Said Board of Trustees shall have the further authority to receive for the use of said institution, gifts, legacies, devises and conveyances of property, real or personal, that may be made, given or granted to or for said institution, or in its name, or in the name of the Board of Trustees.

The said Board, nor any officer or employe connected with the institution, shall not be in any way connected with the sale of anything of whatsoever character to the institution.

A majority of the Board shall constitute a quorum for the transaction of business, and may remove for cause, with the consent of the Governor, the Superintendent or other officers of the institution.

Eighth. For the purpose of carrying into effect the provisions of this act, the sum of \$50,000, out of any money in the State treasury, not otherwise appropriated, or so much thereof as may be necessary, is hereby appropriated.

It is further provided that of this sum not more than \$15,000 is to be ex-

pendent in purchasing suitable lands for the institution.

Committee Room,
Austin, Texas, February 14, 1907.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 126, A bill to be entitled "An Act requiring commissioners courts to purchase from the lowest and best bidder all blank books and stationery supplies required by the several counties, and prescribing the manner of contracting therefor,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, with the following amendments:

Amend the bill by adding the following at the end of Section 7, "Provided that the provisions of this act shall not apply to any county in which there is an auditor for said county."

Also amend the bill, line 19, page 1, by adding after the word "State" the words "outside of the county."

Also, striking out of second House amendment the words "and best."

STONE, Chairman.

Committee Room,
Austin, Texas, February 14, 1907.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 170, A bill to be entitled "An Act to amend Section 7, Chapter 10 of the General Laws of Texas of 1905, Acts of the First Called Session Twenty-ninth Legislature in reference to the reserve fund to be kept by State banks, and providing an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

STONE, Chairman.

Committee Room,
Austin, Texas, February 14, 1907.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 112, A bill to be entitled "An Act to amend Article 958 of Chapter 1, Title XVIII, of the Penal Code of the Revised Statutes of 1895,"

Have had the same under consideration, and I am instructed to report it

back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,
Austin, Texas, February 14, 1907.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 116, A bill to be entitled "An Act making it an offense, and providing a punishment therefor, for any person to obtain, in this State, from another person, money upon false and fraudulent representations for employment or personal service,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,
Austin, Texas, February 14, 1907.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 177, A bill to be entitled "An Act to amend Chapter XCIV, page 119, of the Acts of the Twenty-eighth Legislature, entitled 'An Act to define, prohibit and declare illegal, trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies, and to provide for the suppression of the same, and to promote free competition in the State of Texas, and to repeal all laws in conflict herewith; by adding to said law Section 18, concerning punishment for violation thereof; Section 19, with reference to venue; Section 20, with reference to the duties of district and county attorneys and the Attorney General, and Section 21, concerning fees,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,
Austin, Texas, February 14, 1907.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 127, A bill to be entitled "An Act to prohibit vendors of nursery products, their agents, servants

and employes from defrauding vendees, and providing penalties for the violation thereof,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,
Austin, Texas, February 14, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 158, A bill to be entitled "An Act to amend Articles 596 and 598, Title VII, Chapter 4, Code of Criminal Procedure of the State of Texas, relating to continuances and regulating continuances in criminal cases,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,
Austin, Texas, February 14, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 57, A bill to be entitled "An Act changing the official title of the Fish and Oyster Commissioner to Fish, Oyster and Game Commissioner, supplementing his salary, authorizing him to appoint assistants, providing for hunting license, providing for the protection and propagation of wild game, wild birds and wild fowls; providing for the enforcement of all game laws, and providing penalties for the violation thereof,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with an amendment striking from Section 10 the following language: "Except on Sunday."

LOONEY, Chairman.

Committee Room,
Austin, Texas, February 14, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 117. A bill to be entitled "An Act declaring theaters, playhouses, opera houses and other show buildings by whatever name known, to be public places of amusement;

to prevent the owners, lessees, managers and agents thereof from discriminating against persons, stock companies, corporations or others applying to lease or rent such public places of amusement for productions and renditions of dramas, operas and other shows, by whatever name known; to provide for the keeping and exhibiting of bookings of all leasings and lettings of such houses; to require certain stipulations in all subsequent leases and renewals for a term; providing penalties for violation of the provisions of this act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,
Austin, Texas, February 14, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 10, A bill to be entitled "An Act to amend Article 359, Chapter 4, of Title X of the Penal Code of the State of Texas, defining what constitutes a disorderly house so as to include any house in which intoxicating liquors are sold in any county, justice's precinct, school district, city or town or subdivisions of any county in which the sale of intoxicating liquors is prohibited by law,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendments:

Amend the enacting clause, Section 1, by striking out the following: "Article 359," and write in lieu thereof the following: "Articles 359, 361 and 362," and change the singular verb "is" to the plural form "are," and also add to the end of the enacting clause as follows: "And that Articles 362a and 362b be added as a part of said chapter, to read as follows."

Amend the caption by adding thereto the following: "Also to amend Articles 361 and 362, Chapter 4, Title X of the Penal Code of Texas, stating who shall be guilty of the offense of keeping, being concerned in keeping or permitting to be kept a disorderly house, and prescribing the punishment thereof; also by adding Articles 362a and 362b, to prevent, by means of the writ of injunction, at the suit of the State or any citizen

thereof, the habitual use, actual, contemplated or threatened use of any premises, place, building or part thereof for the purpose of keeping, or being in any manner interested or responsible for the keeping of a disorderly house."

Amend the bill by adding thereto Articles 361, 362, 362a and 362b, as follows:

"Art. 361. Any person who shall directly, or as agent for another, or through any agent, keep or be concerned in keeping or aid or assist or abet in keeping a disorderly house in any house, building, edifice or tenement, or shall knowingly permit the keeping of a disorderly house in any house, building, edifice or tenement owned, leased, occupied or controlled by him, directly as agent of another, or through an agent, shall be deemed guilty of keeping or being concerned in keeping or knowingly permitting to be kept, as the case may be, a disorderly house, and on conviction shall be punished by a fine of \$200 and by confinement in the county jail for twenty days for each day he shall keep, be concerned in keeping or knowingly permit to be kept such disorderly house. Any owner, or his agent controlling the premises, having information that his house is being kept, used or occupied as a disorderly house, shall be held guilty of knowingly permitting his house to be kept as a disorderly house under this chapter, unless he shall immediately proceed to prevent the keeping, using or occupying of such house, building, edifice or tenement for such purpose by giving such information to the county or district attorney against the person or persons violating the provisions of this chapter, or take such other action as may reasonably accomplish such result.

"Art. 362. Any person who shall directly, as agent for another, or through an agent, knowingly employ or have in his service in any capacity, in any theater, play house, dance house or house where spirituous or malt liquors are kept for sale, any prostitute, lewd woman or women of bad reputation for chastity, to display or conduct herself therein in an indecent manner; shall be guilty of keeping a disorderly house, and shall be punished by a fine of not less than \$100 nor more than \$500, and by confinement in the county jail for twenty days for each day that such person is kept in service or employed or permitted to display or conduct herself as hereinbefore provided.

"Art. 362a. The habitual use, actual,

threatened or contemplated use of any premises, place, building or part thereof, for the purpose of keeping, being interested, aiding or abetting in the keeping of a disorderly house, shall be enjoined at the suit of either the State or any citizen thereof.

"Any person who may so use or who may be about to use or who may aid or abet any other person in the use of any premises, place or building, or part thereof, may be made a party defendant in such suit.

"Art. 362b. The Attorney General and the several district and county attorneys shall institute and prosecute all suits that said Attorney General or such district or county attorney may deem necessary to enjoin such use; provided, that such suit may be brought and prosecuted by any one of such officers, and provided further, that nothing in the above proviso contained shall prevent such injunction from issuing at the suit of any citizen of this State who may sue in his own name, and such citizen shall not be required to show that he is personally injured by the acts complained of, and procedure in all cases brought hereunder shall be the same as in other suits for injunction, as near as may be; provided, that when the suit is brought in the name of the State by any of the officers aforesaid, the petition for injunction need not be verified.

"Sec. 2. The fact that there is no adequate remedy to suppress disorderly houses in this State creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from any after its passage, and it is so ordered."

LOONEY, Chairman.

Committee Room,

Austin, Texas, February 14, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 30, A bill to be entitled "An Act to protect the lives and property of the traveling public, and the employes of the railroads in the State of Texas,"

Have had the same under consideration, and report it back to the Senate with the recommendation that the substitute bill pass, and that the original bill do not pass.

LOONEY, Chairman.

C. S. S. B. No. 30.

By Committee.

A BILL

To Be Entitled

An Act to protect the lives and property of the traveling public, and the employes of the railroads in the State of Texas.

Be it enacted by the Legislature of the State of Texas:

Section 1. That it shall be unlawful for any railroad company doing business in the State of Texas to run over its road, or part of its road, outside of the yard limits or switch limits, any passenger train with less than a full passenger crew, consisting of four persons, one engineer, one fireman, one conductor and one brakeman or porter.

Sec. 2. It shall be unlawful for any railroad company doing business in the State of Texas to run over its road, or part of its road, outside the yard limits and switch limits, any freight train, gravel train or construction train with less than a full crew, consisting of five persons, one engineer, one fireman, one conductor and two brakemen.

Sec. 3. It shall be unlawful for any railroad company doing business in the State of Texas to run over its road, or part of its road, outside of the yard limits and switch limits, any light engine without a full crew, consisting of three persons, one engineer, one fireman and one conductor; provided, that nothing in this act shall be construed as applying in case of accident to machinery or equipment between terminal and division points, or in case of disability of one or more of any train crew while on the road between terminal or division points, or to switching crews in charge of yard engines which may be required to push trains out of yard and switch limits, nor shall it apply to pusher or helper engines, which may be required to push or assist trains over heavy grades, nor shall it be construed as applying to trains leaving points with perishable freight or live stock, and from any cause it is impossible to obtain a full train crew, nor shall this act be effective or be construed as applying in cases of strikes, which make it impossible for railroad companies to obtain their usual crews, or shall it be construed as applying to branch lines or to roads operating not more than two passenger trains each way every twenty-four hours.

Sec. 4. Any railroad company doing business in the State of Texas, which shall willfully violate any of the pro-

visions of this act shall be liable to the State of Texas for a penalty of not less than \$100 nor more than \$1000 for each offense, and such penalty shall be recovered and suit brought in the name of the State of Texas, in a court of proper jurisdiction in Travis county, Texas, or in any county in or through which such line of railroad may run, by the Attorney General, or under his direction, by the county or district attorney in any county in or through which such line of railroad may be operated, and such suits shall be subject to the provisions of Article 4577, Revised Statutes of the State of Texas.

The fact that there are now no adequate laws for the protection of a large portion of our citizens employed by railroad companies and passengers riding on railway trains, creates an emergency and an imperative public necessity, requiring the suspension of the constitutional rule which requires bills to be read on three several days in each house, and the rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, February 14, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 53, A bill to be entitled "An Act denouncing as a nuisance any place, room or building, in any county, justice precinct, town, city or such subdivision of a county as may be designated by the commissioners court of said county, in which the sale of intoxicating liquors has been prohibited under the laws of this State, kept or used for the purpose of selling intoxicating liquor in violation of law; also denouncing as a nuisance any intoxicating liquor kept, possessed or used for such purpose and the tools, appliances and furniture used therewith, prescribing a suitable procedure for the search and seizure of any such liquor, tools, appliances and furniture, for the trial of the issue presented, the judgment to be rendered therein; also to prevent by means of the writ of injunction at the suit of the State or any citizen thereof, the use or the contemplated use, or threatened use of any such place, room or building, or the keeping of any such intoxicating liquor and the tools, appliances and furniture used therewith, for any such illegal purpose, and providing an emergency."

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, February 14, 1907.
Hon. A. B. Davidson, President of the
Senate.

Sir: Your Committee on Engrossed
Bills have carefully examined and com-
pared

Senate bill No. 8, A bill to be entitled
"An Act to prohibit railway companies,
street railway companies, interurban
railway companies or any other chartered
common carrier or transportation compa-
nies, or express or sleeping car compa-
nies, or the receivers or lessees thereof,
or their officers, agents or servants in
this State, from carrying persons free
of charge, or carrying property free of
charge, or giving to or for any person or
passenger a free pass or authority to
travel or pass free or to have property
transported free over any line or lines
owned, operated or controlled by any
such company in this State, and naming
certain persons who are excepted from
the prohibition; also prohibiting any of
said companies, their officers, agents, em-
ployes, receivers or lessees from discrimi-
nating among persons in rates and serv-
ice; prohibiting any person not excepted
from using or enjoying such free pass or
free transportation, or from becoming
the beneficiary of any discrimination and
prescribing suitable penalties, fines and
imprisonment for the violation of the
provision of the act, providing for prose-
cutions, fixing venue of suits, and appro-
priating any penalties that may be col-
lected hereunder,"

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, February 14, 1907.
Hon. A. B. Davidson, President of the
Senate.

Sir: Your Committee on Engrossed
Bills have carefully examined and com-
pared

Senate bill No. 109, A bill to be en-
titled "An Act making appropriations
for deficiencies in the appropriations
heretofore made for the support of the
State Government for the fiscal years
ending August 31, 1904; August 31, 1905;
August 31, 1906; August 31, 1907; be-
ing for claims registered in the Com-
ptroller's office in accordance with law,
and for outstanding claims not regis-
tered, and to make additional appropria-
tions for the support of the State govern-
ment for the years ending August 31,

1905; August 31, 1906, and August 31,
1907, and declaring an emergency,"

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, February 14, 1907.
Hon. A. B. Davidson, President of the
Senate.

Sir: Your Committee on Enrolled
Bills have carefully examined and com-
pared

Senate bill No. 179, "An Act for
the relief of railway corporations hav-
ing charters granted or amended since
the first day of January, 1887, and which
have failed, or are about to fail to con-
struct their roads and branches, or any
part thereof, within the time required by
law, and providing for exceptions with
emergency."

Be it enacted by the Legislature of
the State of Texas:

Section 1. That the time in which any
railway corporation, chartered under the
laws of the State of Texas, since the first
day of January, 1887, or the charter of
which has been amended since that date,
is required to begin construction of its
road, and construct, equip, and put in
good running order, as provided in Arti-
cle 4558 of the Revised Statutes of the
State of Texas, and the same hereby is,
as to any unfinished portion of such road,
extended two years from the taking ef-
fect of this act; and any railway com-
pany having been chartered since Jan-
uary 1, 1887, or the charter to which has
been amended since said date, which shall
have forfeited its corporate existence or
any of its rights and powers, or is about
to do so, by reason of the failure to
comply with said Article 4558, or any
part of said article, shall have restored
and preserved to it, its corporate exist-
ence and it shall have and enjoy all of
the corporate franchises, property rights
and powers held or acquired by it pre-
vious to any cause of forfeiture on ac-
count of such failure as aforesaid; pro-
vided, that no railway company which
shall be revived or the time extended by
the virtue of this act shall claim or exer-
cise any right or franchise not allowed,
granted or permitted to other railway
corporations under the laws as now in
force in this State, and such railway
company as may be revived or time ex-
tended by this act shall comply with the
laws of this State now in force pertain-
ing to railway corporations, and provided
further, that this act shall not be con-
strued as giving any relief or extension
of time to any railway corporation char-

tered as aforesaid, that has heretofore been permitted or authorized by act of the Legislature to be consolidated or merged with any other railroad or railroads by purchase, sale, lease or otherwise. And provided further, that this section of this act shall not be so construed as to annul or in any way impair the force and effect of the provision last written in Section 2 of this act.

Sec. 2. Any railway corporation chartered since the first day of January, A. D. 1887, and which by its original charter or amendment thereto, filed since the first day of January, A. D. 1887, has further provided for the locating, constructing, maintaining, owning and operating of any extension or branch line or lines of railway, and which have failed or is about to fail to complete the same or any part thereof, within the time required by law, shall upon the payment of all its franchise tax, be and is hereby restored to and granted all and singular the rights, privileges and franchises acquired by such original charter, or by such amendment to its articles of incorporation, as if the same were filed and recorded in the office of the Secretary of State on the day of taking effect of this act, and such corporation shall, upon the payment of its franchise tax, be and is hereby authorized to project, complete, construct, own and operate any such extension and branch line or lines of railway under and as provided for in its charter or in any such amendment to its articles of incorporation; provided, that such extensions and branch lines of railway shall be by such corporation completed and put in running order at the rate of at least ten miles in one year from the taking effect of this act, and twenty additional miles for each and every year thereafter until all of the branch line or lines or extensions as provided for are completed. And provided further that the provisions of this act shall not apply to any corporation or railroad company which has less than twenty miles of road to build in order to complete the line as originally contemplated by the original charter, or the terms thereof, which shall fail to construct and put in operation at least ten miles of the line originally contemplated by its charter, within twelve months from and after the passage of this act.

Sec. 3. The fact that no good can result to the State from the forfeiture provided for against this act, and that the public interest and convenience will be promoted, and citizens in many parts of the State having invested in railway enterprises subject to great loss unless

the relief herein provided for is granted, therefore an emergency and imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days is created, and it is so suspended, and demanding that this act take effect and be in force from and after its passage, and it is so enacted.

And find the same correctly enrolled, and have this day at 4:30 o'clock p. m., presented the same to the Governor for his approval.

MASTERSON, Chairman.

THIRTIETH DAY.

Senate Chamber,

Austin, Texas,

Monday, February 18, 1907.

Senate met pursuant to adjournment.

President Pro Tem. Skinner in the chair.

Roll call, quorum present, the following answering to their names:

Alexander.	Mayfield.
Chambers.	Meachum.
Glasscock.	Murray.
Green.	Senter.
Griggs.	Skinner.
Grinnan.	Smith.
Harbison.	Stokes.
Harper.	Stone.
Hudspeth.	Terrell.
Looney.	Veale.
Masterson.	Watson.

Absent.

Barrett.	Holsey.
Brachfield.	Kellie.
Cunningham.	Paulus.
Faust.	Willacy.
Greer.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Friday, on motion of Senator Green, the same was dispensed with.

EXCUSED.

On motion of Senator Green, Miss Nellie Lowday, committee clerk, was excused for today on account of sickness.

On motion of Senator Stone, Senator Stokes was excused from attendance upon the Senate indefinitely on account of sickness.

(See Appendix for committee reports, petition and memorials.)